



SECRETARY OF STATE

CONDITIONAL APPROVAL OF ELECTION SYSTEMS AND SOFTWARE, INC. Electronic Voting System (EVS) 6.0.4.2 VOTING SYSTEM

Whereas, pursuant to Elections Code section 19202, no voting system, in whole or in part, may be used unless it has received the approval of the Secretary of State; and

Whereas, Election Systems and Software, Inc. submitted an application for the EVS 6.0.4.2 voting system, which is comprised of Model DS200 Precinct Scanner Hardware version 1.3 with Firmware version 2.20.0.0, Model DS450 Central Ballot Counter Hardware version 1.0 with Firmware version 3.3.0.0, Model DS850 Central Ballot Counter Hardware version 1.0 with Firmware version 3.3.0.0, ExpressVote, Hardware version 2.1 with Firmware version 2.5.0.0, ExpressVote XL, Hardware version 1.0 with Firmware version 1.2.0.0, Electionware version 5.3.0.0, Event Log Service version 1..6.0.0, Removable Media Service version 1.2.0.0, ExpressVote Previewer version 2.5.0.0, PaperBallot version 5.3.0.0, Dell PowerEdge T430 tower server, Dell Optiplex 5050 desktop computer, and Dell Latitude 5580 laptop, submitted on or about February 22, 2019; and

Whereas, during a series of tests conducted by the Secretary of State's office, the voting system performed in a manner consistent with California Voting System Standards, and California law; and

Whereas, the voting system was able to successfully and accurately execute all test cases, scenarios, and scripts developed by the Secretary of State's office; and

Whereas, the request for approval of the voting system as described above was considered at a public hearing held September 4, 2019, at Sacramento, California.

Therefore, I, Alex Padilla, Secretary of State for the State of California, find and determine, pursuant to Division 19 of the Elections Code, as follows:

For the reasons set forth above, Elections Systems and Software, Inc.'s EVS 6.0.4.2 voting system is hereby approved.

Use of Elections Systems and Software, Inc.'s EVS 6.0.4.2 voting system must comply with all California Election Code and California Code of Regulation requirements and is also subject to the following terms and conditions:

1. Jurisdictions are prohibited from installing any software applications or utilities on any component of the voting system that have not been identified by the vendor and approved by the Secretary of State.
2. Prior to sale or use of the system in California, the vendor must provide to all jurisdictions its Use Procedures, entitled "EVS 6.0.4.2 Election Management System, California Use Procedures," which the Secretary of State hereby approves. Compliance with the Use Procedures by the vendor and jurisdictions is a condition of the approval of this voting system. Compliance with all requirements set forth in the Use Procedures is mandatory, whether or not a particular requirement is identified in this approval document.
3. The system shall be utilized in a configuration of parallel central election management systems separated by an "air-gap" where (1) a permanent central system known to be running unaltered, certified software and firmware is used solely to define elections and program voting equipment and memory cards, (2) a physically-isolated duplicate system, reformatted after every election to guard against the possibility of infection, is used solely to read memory cards containing vote results, accumulate - and tabulate those results and produce reports, and (3) a separate computer dedicated solely to this purpose is used to reformat all memory devices before they are connected to the permanent system again.
4. No substitution or modification of the voting system shall be made with respect to any component of the voting system, including the Use Procedures, until the Secretary of State has been notified in writing and has determined that the proposed change or modification does not impair the accuracy or efficiency of the voting system sufficient to require a re-examination and approval.
5. Election Systems and Software, Inc. shall deposit an exact copy of the trusted build files to a State of California approved escrow facility within 10 business days. These build files along with the source code and all associated software and firmware shall be escrowed in a California approved source code escrow facility, pursuant to California Elections Code section 19212. Pursuant to California Code of Regulations section 20641, within five working days, the vendor shall certify to each affected election jurisdiction, with a copy to the Secretary of State, that it has placed the software in escrow.
6. Immediately after any repair or modification of any voting system component that requires opening the housing, the integrity of the firmware and/or software must be verified using an automated mechanism, or all software must be reinstalled by the jurisdiction from a read-only version of the approved firmware and/or software supplied directly by the Secretary of State before the equipment can be put back into service.
7. No network connections to any device not directly used and necessary for voting system functions may be established. Communication by or with any component of the voting system by wireless or modem transmission is prohibited at any time. No component of the voting system, or any device with network connectivity to the voting system, may be connected to the Internet, directly or indirectly, at any time.

8. Upon request, members of the public must be permitted to observe and inspect, without physical contact, the integrity of all externally visible security seals used to secure voting equipment in a time and manner that does not interfere with the conduct of the election or the privacy of any voter.
9. Where voting equipment is used to record and tabulate vote results in a polling place, upon close of the polls, the poll workers are required to print two copies of the accumulated vote results and one audit log from each device. Each poll worker must sign every copy. One copy of the vote results from each device must be publicly posted outside the polling place. The second copy, along with the audit log, must be included with the official election material that is returned to the jurisdiction headquarters on election night.
10. Poll workers are not permitted to participate in any post-election manual count auditing of precinct results from a precinct in which they were a poll worker.
11. Elections officials must develop appropriate security procedures for use when representatives of qualified political parties and bona fide associations of citizens and media associations, pursuant to their rights under Elections Code section 15004, check and review the preparation and operation of vote tabulating devices and attend any or all phases of the election. The security procedures must permit representatives to observe at a legible distance the contents of the display on the vote tabulating computer or device. This requirement may be satisfied by positioning an additional display monitor or monitors in a manner that allows the representatives to read the contents.
12. With respect to any part or component of the above described voting system for which the chain of custody has been compromised, the security or information has been breached or attempted to be breached, or experiences a fatal error from which it cannot recover gracefully (i.e., the error is not handled through the device's internal error handling procedures with or without user input, such that the device must be rebooted or the device reboots itself to restore operation), the following actions must be taken:
 - a. The chief elections official of the jurisdiction must be notified immediately;
 - b. The Secretary of State must be notified within 24 hours upon discovery;
 - c. The equipment must be removed from service immediately and replaced if possible;
 - d. Any votes cast on the device prior to its removal from service must be subject to a 1% manual tally or a risk-limiting audit, by the processes described in Elections Code sections 15360 and 15367, as part of the official canvass;
 - e. Any memory card containing data from that device must be secured and retained for the full election retention period;
 - f. An image of all device software and firmware must be stored on write-once media and retained securely for the full election retention period; and
 - g. All device software and firmware must be reinstalled from a read-only version of the approved firmware and software supplied directly by the Secretary of State before the equipment is placed back into service.
13. The Secretary of State reserves the right, with reasonable notice to the vendor and to the jurisdictions using the voting system, to modify the Use Procedures used with the voting system and to impose additional requirements with respect to the use of the system if the Secretary of State determines that such modifications or additions are necessary to enhance the accuracy, reliability or

security of any of the voting system. Such modifications or additions shall be deemed to be incorporated herein as if set forth in full.

14. The Secretary of State reserves the right to monitor activities before, during and after the election at any precinct or registrar of voters' office, and may, at his or her discretion, test voting equipment.
15. Voting systems certified for use in California shall comply with all applicable state and federal requirements, including, but not limited to, those voting system requirements as set forth in the California Elections Code and the Help America Vote Act of 2002 and those requirements incorporated by reference in the Help America Vote Act of 2002. Further, voting systems shall also comply with all state and federal voting system guidelines, standards, regulations and requirements that derive authority from or are promulgated pursuant to and in furtherance of the California Elections Code and the Help America Vote Act of 2002 or other applicable state or federal law when appropriate.
16. Voting system manufacturers or their agents shall assume full responsibility for any representation they make that a voting system complies with all applicable state and federal requirements, including, but not limited to, those voting system requirements as set forth in the California Elections Code and the Help America Vote Act of 2002. In the event such representation is determined to be false or misleading, voting system manufacturers or their agents shall be responsible for the cost of any upgrade, retrofit or replacement of any voting system or its component parts found to be necessary for certification or otherwise not in compliance.
17. The vendor must establish a California County User Group and hold at least one annual meeting where all California users and Secretary of State staff are invited to attend and review the system.
18. Prior to the disposal or sale of this voting system or portion thereof, all equipment shall be cleared with a minimum of a two-pass wipe so that no software, firmware or data remains on the equipment. At the time of disposal or sale, the equipment shall be returned solely to a non-functioning piece of hardware and the following documented for each:
 - a. Whether the machine is void of all software, firmware and data.
 - b. The hardware model name.
 - c. The hardware model number.
 - d. The hardware serial number.
19. Voting systems certified for use that utilize a barcode or QR code for tabulation shall be subject to the following:
 - a. Jurisdictions shall develop procedures and conduct training for poll workers, prior to every election, regarding voter verification of barcodes or QR codes used for tabulation.
 - b. In conducting pre-election testing pursuant to Elections Code section 15000, the jurisdiction shall validate the logic and accuracy of the barcodes or QR codes used for tabulation.
 - c. In conducting a one percent manual tally pursuant to Elections Code section 15360 or a risk limiting audit pursuant to Elections Code section 15367, the jurisdiction shall perform a

further review of any ballot examined pursuant to those sections that contains a barcode or QR code used for tabulation. The further review shall verify that the information contained in the QR code or barcode matches the voter verified, human readable text.

20. Only the Secretary of State supplied trusted build for the Elections Systems and Software, Inc. EVS 6.0.4.2 voting system shall be installed. Jurisdictions shall validate prior to any election that the voting system is identical to the Secretary of State supplied trusted build by utilizing the Secretary of State trusted build HASHes.



IN WITNESS WHEREOF, I hereunto set my hand and
affix the Great Seal of the State of California, this
18th day of October 2019.

A handwritten signature in black ink, reading 'Alex Padilla', written in a cursive style.

ALEX PADILLA
Secretary of State